Appl. No. 10/694,502
Amdt. dated October 28, 2009
Examining Group 3624

PATENT

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed August 3, 2009. Claims 1, 2, 4, 5, and 7-22 were pending in the present application. This Amendment amends claims 1, 2, 10, 11, 19, and 22, leaving pending in the application claims 1, 2, 4, 5, and 7-22. Applicant submits that no new matter has been introduced by virtue of these amendments. Reconsideration of the rejected claims is respectfully requested.

35 U.S.C. § 112 Rejections of Claims 1, 2, 4, 5, and 7-22

35 U.S.C. §112, first paragraph

Claims 1, 2, 4, 5 and 7-22 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action asserts:

> The claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the specification was filed, had possession of the claimed invention. Independent claims 1, 2, 10, 11, 19 and 22 contain the phrases 'are not considered activities of a larger program' or 'are not stored as...'
>
> ...
>
> These claims do not... satisfy the written description requirement under 35 U.S.C. §112, first paragraph as the aforementioned limitations are not described in the disclosure.

(Office Action: pgs. 6-7).

Applicant respectfully disagrees, and submits that support for the claimed feature "wherein the first and second programs are not stored as activities of another program by the computer system..." can be found in various portions of the Specification as filed. For example, paragraphs 11 and 12 of the Specification recite, in part:

> ... Traditional Project Management only handled dependencies inside the project plan. Thus, critical developments outside the program could adversely affect profitability without warning.
>
> What is needed, therefore, is a scheduling system capable of creating, displaying, and managing cross-program dependencies...

(Emphasis added).

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Paragraph 14 of the Specification recites, in part:

The present invention exists as a stand-alone software application and can also be a component of a broader set of software modules that comprise an overall program management suite. The present invention is directed to a scheduling system that establishes cross-program boundaries for phase, task, deliverable, and gate activities.

(Emphasis added).

And paragraph 35 of the Specification recites, in part:

…Program manager A and Program manager B create separate programs with several tasks…

(Emphasis added).

As quoted above, the Specification clearly describes the concept of establishing, via a software application, interdependencies between "separate programs," where the separate programs are not "inside a [single] project plan." In prior art program management software, interdependencies could only be defined between tasks or sub-programs within a given program. Thus, interdependencies in prior art software could not extend beyond "traditional program boundaries." Embodiments of the present invention overcome this limitation by allowing interdependencies to be established across programs that are not explicitly stored as activities or sub-activities of another program (e.g., a parent program).

Applicant notes that "[t]he subject matter of the claim need not be described literally (i.e., using the same terms or in haec verba) in order for the disclosure to satisfy the description requirement." (MPEP Section 2163.02; emphasis added). Rather, "the fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed." (MPEP Section 2163.02; emphasis added). As explained above, the Specification does convey, with reasonable clarity to one of ordinary skill in the art, that Applicant was in possession of the invention as recited in the claims. Accordingly, Applicant respectfully requests that the Section 112, first paragraph rejection of claims 1, 2, 4, 5, and 7-22 be withdrawn.

35 U.S.C. §112, second paragraph

Claims 1, 2, 4, 5, and 7-22 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office Action asserts:

> First, the term 'considered' suggests some extra solution activity or some form of human intervention which entails additional steps as to how and when a decision or assessment is rendered as when a program is not considered part of a larger program. Secondly, the term 'larger program' incorporates a relative term which renders the claim indefinite.
>
> (Office Action: pg. 8).

Although Applicant disagrees with the rejection, solely in order to expedite prosecution Applicant has amended the claims to remove the terms "considered" and "larger program." Accordingly, Applicant respectfully requests that the Section 112, second paragraph rejection of claims 1, 2, 4, 5, and 7-22 be withdrawn.

35 U.S.C. § 103 Rejection of Claims 1, 2, 4, 5, 9-14, 16, 18, 19, 20, and 22

Claims 1, 2, 4, 5, 9-14, 16, 18, 19, 20, and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Robson (U.S. Patent No. 7,330,822, hereinafter "Robson") in view of Pollalis (U.S. Patent No. 5,016,170, hereinafter "Pollalis") and further in view of Rosnow et al. (U.S. Patent No. 7,051,036, hereinafter "Rosnow"). Applicant respectfully traverses.

As discussed in the Specification, prior art program management applications generally do not support the creation of interdependency relationships across program boundaries (where the term "program boundary" is construed from the perspective of the software application). Rather, in such prior art applications, interdependencies can only be defined between tasks or sub-programs within a given program or project plan. (See Specification: paras. 11-13). For example, if programs A and B are created as separate programs in a prior art application, there is no way to establish an interdependency between A and B. This issue can be "worked around," to an extent, by redefining programs A and B as tasks or activities under a common parent program C (since prior art applications support interdependencies between activities within a given program).

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In contrast to the prior art, certain embodiments of the present invention enable a computer system to establish and store an interdependency between two programs, even though the two programs may not be stored or defined as activities of another program (e.g., a parent program) by the system. For instance, in the example above, certain embodiments of the present invention would allow an interdependency to be created directly between programs A and B, without having to first move A and B under a common program C within the system.

In accordance with the above, Applicant's independent claim 1 (as amended) recites, in part "receiving, at [a] computer system, an interdependency between a first activity in a first program and a second activity in a second program, wherein the first and second programs are not stored as activities of another program by the computer system." Applicants submit that at least this feature of claim 1 is not taught or suggested by Robson, Pollalis, or Rosnow, considered individually or in combination.

In the Office Action, the Examiner apparently asserts that the "receiving... an interdependency..." feature of claim 1 is shown by Robson and Rosnow. (See Office Action: pgs. 3-6). In support of this argument, the Examiner cites column 9, lines 25-27 and column 5, line 20 of Robson, and column 15, line 40 and column 27, line 10 of Rosnow. (Office Action: pgs. 3, 6, and 11). Each of these cited sections will be addressed in turn below. As will be seen, these sections (either individually or in combination) fail to teach or suggest "receiving, at [a] computer system, an interdependency between a first activity in a first program and a second activity in a second program, wherein the first and second programs are not stored as activities of another program by the computer system." as recited in claim 1.

Robson

Column 9, lines 25-27 of Robson (and its surrounding context) state:

> According to the present invention, the database 110, may store the tasks, Issues, Change Requests and Change Orders for a single project or for multiple projects. The user may retrieve a specific project by entering the necessary information in a project search screen, a simplified example of which is shown at 122 of FIG. 1. Thereafter, the database 110 may be searched and user selectable views of the desired project may be displayed on the user's browser, as shown at 123.

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This section of Robson merely indicates that a database may store information pertaining to multiple projects, and that information pertaining to a specific project (among the multiple projects stored in the database) may then be queried from the database and viewed by a user. This section does not make any reference to receiving or maintaining interdependencies between multiple projects or programs as recited in Applicant's claim 1.

It appears the Examiner is construing the phrase "tasks, Issues, Change Requests and Change Orders for a single project or for multiple projects" as somehow indicating that a single task/issue/change request/change order can be a part of multiple projects simultaneously. However, as best understood, there is no support for this construction in Robson, as the other sections of Robson always refer to tasks/issues/change requests/change orders within the context of a particular project. Given the Robson reference as a whole, one of ordinary skill in the art would construe the phrase "tasks, Issues, Change Requests and Change Orders for a single project or for multiple projects" as simply indicating that the database of Robson can store a set of tasks (and other information) for a single project, or multiple sets of different tasks for multiple projects. Accordingly, this section of Robson fails to teach anything about interdependencies between activities of two different programs, where the two programs are not stored as activities of another program by the computer system.

The section of Robson surrounding column 5, line 20 states:

> It is understood that hierarchical tree structure 200 is but a partial illustration of an example of a large project. In practice, projects may be considerably more complex than suggested by FIG. 2 and the present invention is drawn to managing such complex projects...

This section merely indicates that a project can be "complex" in that it can include a deeply nested hierarchy of tasks or other activities. Robson goes on to state that interdependencies can be created between tasks in a given project. (See Robson: col. 5, lines 24-27).

The Examiner apparently construes this section of Robson as teaching that, since a complex project can include a deeply nested hierarchy of tasks or activities, one or more subtrees in the hierarchy of the project can be considered its own "sub-project." Further, since

interdependencies can be created between tasks in a project, interdependencies can also be created between "sub-projects."

Even assuming *arguendo* that this construction is correct, the section of Robson starting at column 5, line 20 still fails to teach or suggest created interdependencies between programs <u>that are not part of another program by the computer system</u>. For example, while tasks T1 and T2 in a complex project P may be large enough in scale to be considered by a user as individual sub-projects or projects, T1 and T2 would still be defined in the system of Robson as being within the context of complex project P. In other words, T1 and T2 would both be defined and stored as a child object of P. Nowhere does this section (or any other section) of Robson indicate that an interdependency can be created <u>between two separate projects</u>, where the projects are <u>not stored as part of a common parent project in the computer system</u>. Accordingly, this section of Robson also fails to teach or suggest "receiving, at [a] computer system, an interdependency between a first activity in a first program and a second activity in a second program, wherein the first and second programs are not stored as activities of another program by the computer system." as recited in claim 1.

> Rosnow

The deficiencies of Robson are not cured by Rosnow.

The section of Rosnow starting at column 15, line 40 states:

> The project planning system includes a knowledge repository as one or more
> databases in which project information is accumulated as projects are completed, dropped from
> consideration, or put on hold or halted during development. Thus, institutional knowledge and
> experience developed during previous or currently ongoing separate projects to develop new ideas
> is electronically captured in a comprehensive, organized manner in a searchable computer
> database within the inventive planning system. This feature permits a system user, and an
> assigned evaluator, such as a project leader, to investigate and identify any archived previous or
> ongoing related projects within the enterprise that might be related to the proposed new idea, and
> review the results of any identified related projects...

And the section of Rosnow starting at column 27, line 10 states:

> By downloading an existing or former project(s) of interest, data and results
> electronically archived from the earlier projects can be reviewed and compared to content of the
> newly proposed concept. The search results help project leaders prevent duplicity of work

performed. Additionally, project leaders may find related projects with which they can share and collaborate with...

As best understood, these sections merely describe the concept of allowing a project leader to search a database comprising information about a plurality of projects to identify existing projects that may be similar to a proposed project concept that the project leader is considering implementing. Based on the search, the project leader may for example, decide not to pursue the proposed concept, since an existing project already addresses the goal that the proposed concept seeks to achieve. Thus, "duplicity of work" is avoided since the project leader can avoid initiating a new project that is too similar to an existing project.

Applicant submits that the notion of performing a manual search and review of existing projects fails to teach anything about receiving, at a computer system, an interdependency between separate programs, where the programs are not stored as activities of another program by a computer system. For example, nowhere do the cited sections indicate (or even suggest) that, once a project leader has found one or more existing projects, the project leader can submit to the computer system an interdependency between the projects, let alone an interdependency that causes an effect of a modification of an activity in a first project to be displayed on a schedule for a second activity in a second project as recited in claim 1. Accordingly, Rosnow also fails to teach or suggest "receiving, at [a] computer system, an interdependency between a first activity in a first program and a second activity in a second program, wherein the first and second programs are not stored as activities of another program by the computer system" as recited in claim 1.

For at least the foregoing reasons, Applicant submits that independent claim 1 is not rendered obvious by the cited art, and respectfully requests that the Section 103 rejection of claim 1 be withdrawn.

Independent claims 2, 10, 11, 19, and 22 recite features that are substantially similar to independent claim 1, and are thus allowable for at least a similar rationale as discussed for claim 1, and others.

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Claims 4, 5, 9, 12-14, 16, 18, and 20 depend from independent claims 1, 11, and 19 respectively, and are thus allowable for at least a similar rationale as discussed for claims 1, 11, and 19, and others.

35 U.S.C. § 103 Rejections of Claims 7, 8, 15, 17, and 21

Claims 7, 8, 15, and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Robson/Pollalis as applied to claims 3 and 11 and further in view of Applicant's own prior art. Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Robson/Pollalis/Rosnow as applied to claim 19, and further in view of Abrams (U.S. Patent No. 7,305,392, hereinafter "Abrams"). Applicant respectfully traverses.

Claims 7, 8, 15, 17, and 21 depend from independent claims 1, 11, and 19 respectively, which are not rendered obvious by Robson, Pollalis, and/or Rosnow as discussed above. Accordingly, claims 7, 8, 15, 17, and 21 are allowable for at least a similar rationale as discussed for claims 1, 11, and 19, and others.

Amendments to the Claims

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the Specification as filed and do not add new matter.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

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        If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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